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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,317	11/16/2000	Yoshiyuki Takaku	7217/63016	6477

7590 04/12/2005

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EXAMINER

SHIN, CHRISTOPHER B

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,317

Applicant(s)

TAKAKU ET AL.

Examiner

Christopher B Shin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 6-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 6-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment received January 10, 2005 has been entered and carefully considered. Claims 1-2, 4 and 6-58 are pending in the application.

Response to Arguments

2. Before the examiner respond to the applicant's arguments, the examiner would like to note that the applicant did not respond to the examiner's response to argument of the last office action (page 3, paragraph 6, subparagraph (a)). It is important that the applicant argue each and every claim separately, at least the independent claims. Clearly, the previous amendment (August 9, 2004) argued all of the independent claims 1, 11, 24, 29, 32, 39, 57 and 58 equally (as a single collective), without distinction. As a result, the last office action (October 28, 2004) was issued based on the applicant's amendment and remarks. As can be seen from the amendment of (August 9, 2004), the applicant did not separately argued between the claims 47 and 1, for example. In fact, the applicant used exact same arguments for the claims 1 and 47. Therefore, the examiner further believes that the, from the applicant's Remarks of August 9, 2004 and October 28, 2004 amendments, applicant still treats the claims 1 and 47 as being the same claimed invention & limitations. Not only that the applicant treats and applies the same arguments for the entire pending claims (as a single collective). Again, the examiner will use claims 47 as the representing, since the claims 47 represents the broadest invention, which simplifies the following arguments and issues.

- a. On page 23, lines 16-25, in response to the applicant's remark regarding "misleading and redundant", the examiner will try to explain.

As can be seen from claim 1, line 5, the phrase "one of said source apparatus and an other apparatus connected" is misleading from "a source apparatus" of line 3, since the preamble mentions/establishes one-source apparatus connected to said network. This is not necessarily a 35 USC 112 2nd issues, but its unnecessarily misleading.

As can be seen form claim 1, lines 6-7, the phrase "other apparatus connected to said network to request" is misleading in terms of its functional contribution; in addition, the it creates more confusion from the structure of the preamble which consists of only (not necessarily) a sink and a source apparatus.

As can be seen from claim 1, line 10, the phrase "command from said sink apparatus" is misleading as to whether the "command is from the sink apparatus" or sink apparatus prepares a response". This is not necessarily a 35 USC 112 2nd issues, but its unnecessarily misleading.

As can be seen form claim 1, line 14, the "apparatus" is misleading as to which one of the apparatus transmitted and/or receives the response. This is not necessarily a 35 USC 112 2nd issues, but its unnecessarily misleading.

The above misleading and redundant discussions are a few of many (too many to list). The misleading and redundant discussion also applies to the rest of the claims.

- b. On pages 24 (lines 16-19), the applicant argued that:

- *“The present invention relates to a communication method and apparatus for use in performing data communication among devices connected by an IEEE 1394 bus.*
 - Most claims do not specifically and clearly support such argument (i.e., no IEEE1394 bus claimed, no communication devices claimed-the term devices are not consistent with the claimed one other “apparatus”). The applicant should amend the claim, rather than just argue, to add interpretations or to include such limitation.
- c. On pages 24 (last 2 paragraph) – 25, in response to the applicant's argument, the examiner traverses such arguments.
- *The output device may transmit a command to set the input device such that the input device may input the data in an input section of the input device.*
 - The claims do not specifically and clearly support such argument (i.e., no separate output device and input device are claimed, rather claims input and output device communicating with one other apparatus.) The applicant should amend the claim, rather than just argue, to add interpretations or include such limitation. Moreover, in the argument, the applicant uses terms that are not consistent with the claimed recitations to embellish the interpretations. The examiner believes that if the claims are not misleading/redundant, the explanation/embellishment is not necessary.
- d. On page 25, the examiner strongly traverses the applicant's arguments. The originally filed claims were not reasonably, understandable, properly determine metes and bounds, or properly determine whether there was more

than one invention. In fact, the examiner was unable to reasonably and properly perform a search. The examiner considers "reasonable" when the 35 USC 112 problems do not greatly affect 35 USC 102/103 art rejection determination; therefore, the finality of actions were necessitated by the applicant's amendment. As can be seen from the first office action of 10-3-2003, the examiner made this position clear (see page 9, paragraph 6); in addition, the examiner again made this position clear (see page 3, paragraph 4) in the last office action mailed 4-6-2004, and again in the office action of 10-28-2004.

e. On pages 27-end, the examiner notes that the applicant (e.g., page 27, lines 5-6) stated that "claims 1-2, 4, and 6-58 are patentably distinct over the cited reference for at least the following reasons" without independently and separately arguing at least the independent claims 1, 11, 24, 29, 32, 39, 57 and 58. In addition, as repeatedly discussed above, the applicant's argument is not supported by the present claims (the actual claimed limitations without any further explanation/embellishment).

f. The examiner also notes that the discussion of Humpleman et al. (6,466,971) was provided to establish well-known prior art/common knowledge that supports the art rejection.

a. For the above reasons, the examiner basically maintains the art rejection as follows. The examiner strongly applicant to carefully consider the examiner's response to argument before responding to this office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4 and 6-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venners et al. (4,855,730).

a. In figures 1-2 and the respective description sections, the Venners reference teaches the claimed limitations as follows & the examiner would like to discuss the apparatus version claims first.

Claims 24-29 Venners et al.

- A communication apparatus connected to a predetermined network
 - Feature of system of figure 1
- Input and output means (I/O) for communicating with at least one other apparatus connected to said network
 - Feature of top section (one-third section) of the figure 1
- Communication control means for detecting a command received at said input and output means requesting that said apparatus enable said input and output means to receive stream data from a predetermined apparatus and enabling said input and output means to transmit data indicating that a stream data configuration is at least temporarily disabled to an other apparatus that transmitted said command when an input of said stream data is at least temporarily disabled
 - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al
- Command control means for enabling said input and output means to output a command requesting that said at least one other apparatus connected to said network enable an input of stream data, whereby when it is determined by a response to said command that said at least one other apparatus is at least temporarily not able to receive said command output of said stream data from said input and output means is paused until said at least one other apparatus is able to receive said command
 - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al

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- Limitations of claims 25-28 & 30-31
 - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al.

Claims 32-38 Venners et al.

- A communication apparatus connected to a predetermined network
 - Feature of system of figure 1
- Input and output means (I/O) for communicating with at least one other apparatus connected to said network
 - Feature of top section (one-third section) of the figure 1
- Communication control means whereby when a first command requesting that said apparatus enable said input and output means to receive stream data from a predetermined other apparatus is detected at said input and output means a connection is established within said communication apparatus to allow said input and output means to input said stream data, a connection between said communication apparatus and said predetermined other apparatus is executed
- Data notifying that processing has been completed are transmitted from said input and output means to said predetermined other apparatus when said processing is completed
 - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al
- Communication control means whereby when a second command for executing a predetermined confirmation indicating that said communication apparatus is ready to input said stream data is detected data notifying that said communication apparatus is ready to input said stream data is transmitted from said input and output means to an other apparatus that transmitted said second command
 - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al.
- Limitations of claims 33-38
 - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al.

Claims 39-56 Venners et al.

- A communication apparatus connected to a predetermined network
 - Feature of system of figure 1
- Input and output means (I/O) for communicating with at least one other apparatus connected to said network
 - Feature of top section (one-third section) of the figure 1
- Communication control means for controlling said input and output means to output a first command requesting said at least one other apparatus to enable said at least one other apparatus to input stream data and to output a second command for confirming whether said at least one other apparatus is ready to input said stream data
 - Feature of column 5, lines 14-50

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- Wherein (I/O) retransmits said second command when said communication control means determines by a response based on said second command that said at least one other apparatus is not ready to input said stream data
 - Feature of column 5, lines 14-50
- Limitations of claims 41-56
 - Feature of column 5, lines 14-50 in combination with the rest of the teachings of Humpleman et al.

Claims 57-58 Venners et al.

- A communication apparatus connected to a predetermined network
 - Feature of a system of figure 1
- Input and output means (I/O) for communicating with at least one other apparatus connected to said network
 - Feature of top section (one-third section) of the figure 1
- Communication control means for controlling said I/O to transmit data notifying that said at least one other apparatus is ready to transmit stream data when said communication control means receives at said input and output means a command for confirming whether said at least one other apparatus is ready to transmit said stream data
 - Feature of column 5, lines 14-50
- Communication control means for controlling said I/O to transmit data indicating a status in which said at least one other apparatus is ready to transmit stream data to said command transmission source ... said notifying command
 - Feature of column 5, lines 14-50

b. As for the method claims 24-58, it appears that the Venners patent teachings do not exactly teach the claimed communication control means in terms of specific types of data that are being communicated over the bus/network. However, the Venners reference does teach all of the substantially identical handshake protocols for communicating data among devices on the bus/network for the purpose of controlling communication (i.e., the claimed communication control means). Therefore, it would have been obvious at the time the invention was made to one having ordinary skill in the art to come up with the claimed invention from the teachings of the Venners for the motivation

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and purpose of communication among devices on the bus/network, as discussed above.

c. As for the claims 1-2, 4 and 6-23 are the method version of the above-discussed claims 24-58, therefore, the teachings of the method claims are similarly applied.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher B Shin
Primary Examiner
Of 2182

A handwritten signature in black ink, appearing to read 'Chris Shin', with a stylized, flowing script.

April 8, 2005
cbs